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EXAMINER	
IWARERE, OLUSEYE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/681,987	Applicant(s) LOVEGREEN ET AL.	
	Examiner OLUSEYE IWARERE	Art Unit 3687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 April 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10/09/2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to the correspondence sent on April, 15, 2008. Applicant's remarks have been considered below.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitation "each waiting customer" in line 5. There is insufficient antecedent basis for this limitation in the claim.

3. Claim 1 recites the limitation "the ability" in line 18. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

   1. Determining the scope and contents of the prior art.
   2. Ascertaining the differences between the prior art and the claims at issue.
   3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1 –16 and 19 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dowling (6,845,361) in view of Visconti (6,876,973).

As per claim 1, Dowling discloses, a method of enabling a customer to add the customer's name to a waiting list at a selected restaurant ([abstract]; a method and a system are provided for maintaining a virtual-wait queue that controls access by customers to a physical resource such as a restaurant table), said method comprising the steps of:

storing information in a central waiting list database regarding each customer waiting to be seated at a restaurant ([abstract]; the system operates by maintaining a virtual-wait queue data structure capable of storing a plurality of entries. Each entry is representative of a customer), said information indicating waiting times associated with each participating restaurant and each waiting customer ([abstract]; The virtual wait queue system indicates to the remote customer the estimated time left in the queue, freeing the customer from the need to wait in line);

interfacing the central waiting list database with a local database (col. 2, lines 21 – 23; an interface window is coupled back to the caller's web browser to indicate to the caller the estimated amount of time left in the call-queue, which is construed as including a local database) located at each participating restaurant for exchanging information regarding customers waiting to be seated (col. 2, lines 15 – 17; an electronic queue management system manages one or more queues based upon the remote caller's needs) and the associated waiting time at each participating restaurant ([abstract]; The virtual wait queue system indicates to the remote customer the estimated time left in the queue, freeing the customer from the need to wait in line);

providing a Website through which a customer can access the central waiting list database (col. 3, lines 8 – 11; The customer can then subsequently monitor their estimated time left in the queue using a web browser such as a portal on a mobile unit. The web browser is construed as having a website);

upon request by the customer, providing the customer with an estimated waiting time for the selected restaurant ([abstract]; the virtual wait queue system indicates to the remote customer the estimated time left in the queue, freeing the customer from the need to wait in line);

upon determining that the customer does not request to be added to the waiting list for the selected restaurant, providing the customer with the ability to select other restaurants from the plurality of participating restaurants ([abstract]; the system accepts an instruction from a premises I/O device indicating to either add or delete an entry to the data structure. The system also accepts an instruction from a network connection to either add or delete the remote customer into or from the virtual wait queue); and

upon determining that the customer requests to be added to the waiting list for the selected restaurant, adding the customer to the waiting list for the selected restaurant ([abstract]; The system accepts an instruction from a premises I/O device indicating to either add or delete an entry to the data structure. The system also accepts an instruction from a network connection to either add or delete the remote customer into or from the virtual wait queue).

However, Dowling fails to explicitly disclose, one of a plurality of participating restaurants, receiving from the customer, an indication of a selected restaurant and determining whether the customer requests to be added to the waiting list for the selected restaurant.

Visconti teaches a restaurant directory and marketing system with the features of a plurality of participating restaurants (col. 10, lines 15 – 16; each associated with a corresponding one of a plurality of restaurants);

receiving from the customer, an indication of a selected restaurant ([abstract]; a method useful with a computer network for providing a searchable data base of restaurants which can be accessed by prospective patrons, and once having obtained access the patron can then examine the listing and select the desired restaurant);

determining whether the customer requests to be added to the waiting list for the selected restaurant ([abstract]; upon receipt of this information a comparison is made between the seats desired and the number of seats estimated to be available at that time, and if the comparison matches then the requested reservation is confirmed);

From this teaching of Visconti, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the virtual-wait queue of Dowling to include the one of a plurality of participating restaurants, receiving from the customer, an indication of a selected restaurant and determining whether the customer requests to be added to the waiting list for the selected restaurant, taught by Visconti, in order to facilitate the services.

As per claim 2, Dowling discloses, wherein the step of interfacing the central waiting list database with a local database located at each participating restaurant includes periodically exchanging information between the central database and each local database (col. 9, lines 40 – 45; in some embodiments, certain timer events can trigger counts in the step 220 to cause the wait-list data structure to be changed. For example, if each wait list entry record includes a time-left-in-queue field 157, this field, which is construed as a central database is periodically modified in response to timer-generated information, which is construed as a local database).

As per claim 3, Dowling discloses, wherein the step of periodically exchanging information includes exchanging updated waiting times for each customer, and the step of providing a Website through which a customer can access the central waiting list database also includes providing a Website through which the customer can request the customer's current updated waiting time if the customer previously added the customer's name to the waiting list for a selected restaurant (col. 12, lines 11 – 15; in a first step 405, the user accesses a remote web site corresponding to the enterprise operating the system 100. Control passes to a step 410 where the queue state is displayed to the user. Typically this would provide the user with an expected time-in-queue. Next control passes to a step 415 where the user selects to enter the queue).

As per claim 4, Dowling discloses the claimed invention however fails to explicitly disclose, wherein the step of providing a Website through which a customer can access the central waiting list database also includes providing a Website through which the customer can search for restaurants by name or by type of food.

Visconti teaches a restaurant directory and marketing system with the feature of, wherein the step of providing a Website through which a customer can access the central waiting list database also includes providing a Website through which the customer can search for restaurants by name or by type of food (col. 8, lines 32 – 34; in this manner many of the interests associated with food are made available for searching).

From this teaching of Visconti, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the virtual-wait queue of Dowling to include the searching for restaurants by name or by type of food, taught by Visconti, in order to provide various modes for selecting a restaurant.

As per claim 5, Dowling discloses the claimed invention however fails to explicitly disclose, wherein the step of providing a Website through which a customer can access the central waiting list database also includes providing a Website through which the customer can search for restaurants by location.

Visconti teaches a restaurant directory and marketing system with the feature of, wherein the step of providing a Website through which a customer can access the central waiting list database also includes providing a Website through which the customer can search for restaurants by location (col. 8, lines19 – 22; which includes a listing 21 of the various subscribing restaurants each associated with an address or URL 21-1 through 21-n classified by geographic location, price interval, taste and other sorting indicia).

From this teaching of Visconti, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the virtual-wait queue of Dowling to include the searching for restaurants by location, taught by Visconti, in order to provide yet another mode for selecting a restaurant.

As per claim 6, Dowling discloses the claimed invention however fails to explicitly disclose, wherein the step of providing a Website through which a customer can access the central waiting list database also includes providing a Website through which the customer can obtain directions to a selected restaurant.

Visconti teaches a restaurant directory and marketing system with the feature of, wherein the step of providing a Website through which a customer can access the central waiting list database also includes providing a Website through which the customer can obtain directions to a selected restaurant (col. 2, lines 29 – 32; additionally, the information may be linked with maps and directions to the restaurant, various attention inviting messages and other techniques for promoting and advancing inquiries to the web site).

From this teaching of Visconti, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the virtual-wait queue of Dowling to include the ability to obtain directions to a selected restaurant, taught by Visconti, in order to assist the customer in receiving service.

As per claim 7, Dowling discloses, wherein the step of providing a Website through which a customer can access the central waiting list database also includes providing a Website through which the customer can request that the customer's name be removed from the waiting list for a selected restaurant if the customer previously added the customer's name to the waiting list for the selected restaurant (col. 12, lines 63 – 65; if something unexpected comes up, the user may request the order, which is construed as the reservation to be deleted, which is construed as removed from the waitlist).

As per claim 8, Dowling discloses, wherein the step of providing a Website through which the customer can request that the customer's name be removed from the waiting list for a selected restaurant includes providing the customer with an opportunity to add the customer's name to the waiting list for a restaurant. ([abstract]; the system also accepts an instruction from a network connection to either add or delete the remote customer into or from the virtual wait queue).

However Dowling fails to explicitly disclose a plurality of participating restaurants.

Visconti teaches a restaurant directory and marketing system with the feature of a plurality of participating restaurants (col. 10, lines 15 – 16; each associated with a corresponding one of a plurality of restaurants);

From this teaching of Visconti, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the virtual-wait queue of Dowling to include the plurality of restaurants, taught by Visconti, in order to provide the customer with more options.

As per claim 9, Dowling discloses the claimed invention, but fails to explicitly disclose, wherein the step of providing the customer with an estimated waiting time for the selected restaurant upon request by the customer includes obtaining from the customer, customer information and preference information related to a type of seating requested at the selected restaurant, said customer information and preference information being utilized to improve the accuracy of the estimate of the waiting time.

Visconti teaches a restaurant directory and marketing system with the feature of, wherein the step of providing the customer with an estimated waiting time for the selected restaurant upon request by the customer includes obtaining from the customer, customer information and preference information related to a type of seating requested at the selected restaurant ([abstract]; the prospective patron exchanges with the restaurant data base an interactive information exchange in which the patron specifies the desired reservation date and time and the number of prospective guests), said customer information and preference information being utilized to improve the accuracy of the estimate of the waiting time ([abstract]; upon receipt of this information a comparison is made between the seats desired and the number of seats estimated to be available at that time, and if the comparison matches then the requested reservation is confirmed).

From this teaching of Visconti, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the virtual-wait queue of Dowling to include the customer information and preference information related to a type of seating requested at the selected restaurant, taught by Visconti, in order to provide the customer with efficient service.

As per claim 10, Dowling further discloses, comprising the steps of:

storing the customer's preference information in a memory ([abstract]; The system operates by maintaining a virtual-wait queue data structure capable of storing a plurality of entries); and

retrieving the customer's preference information when the customer makes a future access to the Website (col. 4, lines 37 – 98 and 40 – 41; The wait-list data structure may be implemented as an array of strings, but is preferably implemented as a linked list of records. Each record may also include other information, for example the estimated time left in the wait queue, customer related information, which is construed as including preference information that can be retrieved when the customer makes future access to the website) (col. 7, lines 34 – 40; a seventh field 157 indicates one or more customer requirements. For example in a restaurant, this might indicate the number of people in the party and hence a table-size requirement. In general, this optional field is used to qualify the specific physical resources needed by customer).

As per claim 11, Dowling discloses, wherein the step of obtaining customer information and preference information from the customer includes obtaining a contact telephone number for the customer (col. 7, lines 5 – 8; a fourth field 154 includes a customer's network address. This network address may involve a telephone number, an Internet transport and socket address, and H.323 telephony address, or a direct packet radio address, for example).

As per claim 12, Dowling further discloses, comprising the step of placing a call to the customer's contact telephone number when a predefined time period remains until the expiration of the estimated waiting time (col. 7, lines 27 – 29; this feature also allows a time to be calculated to generate a paging signal, which is construed as placing a call, that notifies the customer when to start heading over to the enterprise premises to access a physical resource).

As per claim 13, Dowling discloses, wherein the step of placing a call to the customer's contact telephone number when a predefined time period remains until the expiration of the estimated waiting time includes confirming with the customer that the customer is still coming to the selected restaurant (col. 13, lines 40 – 42; control next passes to a step 510 where a determination is made that checks whether the customer is available to be serviced, which is construed as a confirmation).

As per claim 14, Dowling further discloses, further comprising the steps of:

removing the customer's name from the waiting list for the selected restaurant if the customer indicates that the customer is no longer coming to the selected restaurant (col. 12, lines 63 – 65; if something unexpected comes up, the user may request the order, which is construed as the reservation to be deleted, which is construed as removed from the waitlist);

indicating in the central waiting list database that the customer is confirmed, if the customer indicates that the customer is still coming to the selected restaurant (col. 13, lines 49 – 52; if the customer is available then control passes to a step 515 where the customer's entry in the queue is marked as "serviced"); and

indicating in the central waiting list database that the customer is unconfirmed, if the customer does not answer the confirmation telephone call (col. 13, lines 56 – 59; if the step 510 determines the user is not available, the user is optionally charged a fee in a step 520 and the record is also removed from the active list) (col. 13, lines 59 – 61; In some systems the user may be put into a grace period where the user is in a hold-place-in-line state for a period of time, which is construed as being unconfirmed) (col. 13, lines 61 – 62; in some systems deactivated records may be deleted. The amount of history information desired that may be kept is optional).

As per claim 15, Dowling discloses further comprising the step of providing the customer with an opportunity to add the customer's name to the waiting list for a participating restaurant, if the customer indicates that the customer is no longer coming to the selected restaurant ([abstract]; The system also accepts an instruction from a network connection to either add or delete the remote customer into or from the virtual wait queue.

However Dowling fails to explicitly disclose a plurality of participating restaurants.

Visconti teaches a restaurant directory and marketing system with the feature of a plurality of participating restaurants (col. 10, lines 15 – 16; each associated with a corresponding one of a plurality of restaurants);

From this teaching of Visconti, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the virtual-wait queue of Dowling to include the plurality of restaurants, taught by Visconti, in order to provide the customer with more options.

As per claim 16, Dowling discloses, wherein the step of obtaining customer information and preference information from the customer includes obtaining an address for the customer, and the step of placing a call to the customer's contact telephone number when a predefined time period remains until the expiration of the estimated waiting time includes the steps of:

estimating a driving time from the customer's address to the selected restaurant (col. 7, lines 26 – 29; this feature also allows a time to be calculated to generate a paging signal that notifies the customer when to start heading over to the enterprise premises to access a physical resource); and

placing the call to the customer when the estimated driving time equals the time remaining until expiration of the estimated waiting time (col. 7, lines 29 – 32; in this case the paging signal is sent based both on the customer's estimated time left in the queue and the customer's current geographical position).

As per claim 18, Dowling discloses a system for adding a name of a customer to a waiting list at a selected restaurant ([abstract]; a method and a system are provided for maintaining a virtual-wait queue that controls access by customers to a physical resource such as a restaurant table), said system comprising:

a central waiting list database that stores waiting list information for a plurality of participating restaurants ([abstract]; the system operates by maintaining a virtual-wait queue data structure capable of storing a plurality of entries. Each entry is representative of a customer), said waiting list information indicating waiting times associated with each participating restaurant and each waiting customer ([abstract]; The virtual wait queue system indicates to the remote customer the estimated time left in the queue, freeing the customer from the need to wait in line);

a data network connecting the central waiting list database with a local waiting list database located at each participating restaurant (col. 2, lines 15 – 17; an electronic queue management system manages one or more queues, which is construed as a local waiting list database, based upon the remote caller's needs), said network enabling the central database and the local databases to exchange information regarding the waiting customers and their associated waiting times at each participating restaurant ([abstract]; The virtual wait queue system indicates to the remote customer the estimated time left in the queue, freeing the customer from the need to wait in line); and

a Website connected to the central waiting list database and the network, said Website enabling an accessing customer to review restaurant information for the participating restaurants (col. 3, lines 8 – 11; The customer can then subsequently monitor their estimated time left in the queue using a web browser such as a portal on a mobile unit. The web browser is construed as having a website), to determine the waiting time at the selected restaurant, and to add the customer's name to the waiting list for the selected restaurant ([abstract]; The system accepts an instruction from a premises I/O device indicating to either add or delete an entry to the data structure. The system also accepts an instruction from a network connection to either add or delete the remote customer into or from the virtual wait queue).

However, Dowling fails to explicitly disclose one of a plurality of participating restaurants and select a restaurant.

Visconti teaches a restaurant directory and marketing system with the features of a plurality of participating restaurants (col. 10, lines 15 – 16; each associated with a corresponding one of a plurality of restaurants);

select a restaurant ([abstract]; a method useful with a computer network for providing a searchable data base of restaurants which can be accessed by prospective patrons, and once having obtained access the patron can then examine the listing and select the desired restaurant);

From this teaching of Visconti, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the virtual-wait queue of Dowling to include the one of a plurality of participating restaurants, disclose one of a plurality of participating restaurants and select a restaurant, taught by Visconti, in order to facilitate the services.

As per claim 19, Dowling discloses, wherein the central waiting list database and the local databases are adapted to periodically exchange information between the central database and each local database (col. 9, lines 40 – 45; in some embodiments, certain timer events can trigger counts in the step 220 to cause the wait-list data structure to be changed. For example, if each wait list entry record includes a time-left-in-queue field 157, this field, which is construed as a central database is periodically modified in response to timer-generated information, which is construed as a local database).

As per claim 20, Dowling Discloses, wherein the periodically exchanged information includes updated waiting times for each customer, and the Website is adapted to enable a customer to request the customer's current updated waiting time if the customer previously added the customer's name to the waiting list for a selected restaurant (col. 12, lines 11 – 15; in a first step 405, the user accesses a remote web site corresponding to the enterprise operating the system 100. Control passes to a step 410 where the queue state is displayed to the user. Typically this would provide the user with an expected time-in-queue. Next control passes to a step 415 where the user selects to enter the queue).

As per claim 21, Dowling Discloses, the claimed invention but fails to explicitly disclose, wherein the Website includes: means for obtaining customer information and preference information related to a type of seating requested at the selected restaurant; and means for estimating the waiting time utilizing the customer information and preference information to improve the accuracy of the estimate.

Visconti teaches a restaurant directory and marketing system with the features of wherein the Website including:

means for obtaining customer information and preference information related to a type of seating requested at the selected restaurant ([abstract]; the prospective patron exchanges with the restaurant data base an interactive information exchange in which the patron specifies the desired reservation date and time and the number of prospective guests); and

means for estimating the waiting time utilizing the customer information and preference information to improve the accuracy of the estimate ([abstract]; upon receipt of this information, a comparison is made between the seats desired and the number of seats estimated to be available at that time, and if the comparison matches then the requested reservation is confirmed).

From this teaching of Visconti, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the virtual-wait queue of Dowling to include the customer information and preference information related to a type of seating requested at the selected restaurant, taught by Visconti, in order to provide the customer with efficient service.

As per claim 22, Dowling Discloses, wherein the means for obtaining customer information and preference information includes a memory in which the customer's preference information is stored ([abstract]; the system operates by maintaining a virtual-wait queue data structure capable of storing a plurality of entries), and the Website includes means for retrieving the customer's preference information when the customer makes a future access to the Website (col. 4, lines 37 – 98 and 40 – 41; The wait-list data structure may be implemented as an array of strings, but is preferably implemented as a linked list of records. Each record may also include other information, for example the estimated time left in the wait queue, customer related information, which is construed as including preference information that can be retrieved when the customer makes future access to the website) (col. 7, lines 34 – 40; a seventh field 157 indicates one or more customer requirements. For example in a restaurant, this might indicate the number of people in the party and hence a table-size requirement. In general, this optional field is used to qualify the specific physical resources needed by customer).

As per claim 23, Dowling Discloses, wherein the means for obtaining customer information and preference information includes means for obtaining a contact telephone number for the customer (col. 7, lines 5 – 8; a fourth field 154 includes a customer's network address. This network address may involve a telephone number, an Internet transport and socket address, and H.323 telephony address, or a direct packet radio address, for example), and the system further comprises means for placing a confirmation telephone call to a customer who has added his name to the waiting list for a selected restaurant (col. 13, lines 40 – 42; control next passes to a step 510 where a determination is made that checks whether the customer is available to be serviced, which is construed as a confirmation).

As per claim 24, Dowling Discloses, wherein the means for placing a confirmation telephone call places the call to the customer's contact telephone number (col. 7, lines 5 – 8; this network address may involve a telephone number, an Internet transport and socket address, and H.323 telephony address, or a direct packet radio address, for example. This optional field allows the system 100 to direct messages to the customer in the virtual-wait queue) when a predefined time period remains until the expiration of the estimated waiting time (col. 2, lines 21 – 25; an interface window is coupled back to the caller's web browser to indicate to the caller the estimated amount of time left in the call-queue. This indicates to the customer approximately when a callback will be received).

As per claim 25, Dowling Discloses, A method of enabling a customer to add the customer's name to a waiting list at a selected restaurant ([abstract]; a method and a system are provided for maintaining a virtual-wait queue that controls access by customers to a physical resource such as a restaurant table), said method comprising the steps of:

receiving a telephone call from the customer with an auto attendant at the restaurant (col. 2, lines 11 – 12; callers dial in and are typically presented with interactive voice response prompts, which is construed as an auto attendant);

determining by the auto attendant, calling line identification information for the customer (col. 2, lines 12 – 14; the customers usually dial touch-tones or speak words to indicate their specific needs); and

storing information for the customer in a local waiting list database, said information being indexed in the database with the calling line identification information (col. 2, lines 15 – 17; an electronic queue management system, which is construed as including a local waiting list database, manages one or more queues based upon the remote caller's needs).

5. **Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Dowling (6,845,361) and Visconti (6,876,973) further in view of Solymar et al. (6,244,758).**

As per claim 26, Dowling further discloses, further comprising the steps of:

receiving a telephone call from the customer with the auto attendant at the restaurant (col. 2, lines 11 – 12; callers dial in and are typically presented with interactive voice response prompts);

calling line identification information stored for the customer in the waiting list database (col. 4, lines 39 – 41; each record in the linked list preferably includes a string identifier identifying the individual or entity represented by the record entry. Each record may also include other information, for example the estimated time left in the wait queue, customer related information)

estimating an updated waiting time for the customer (col. 2, lines 22 – 23; to indicate to the caller the estimated amount of time left in the call-queue); and

providing the customer with the updated waiting time col. 2, lines 22 – 23; to indicate to the caller the estimated amount of time left in the call-queue).

However, Dowling fails to explicitly disclose determining by the auto attendant, the identity of the customer by matching calling line identification information from the telephone call with the calling line identification information stored for the customer in the waiting list database and a subsequent telephone call.

Solymar teaches an apparatus and method for monitoring electronic devices via a global nework with the features of:

determining by the auto attendant, the identity of the customer by matching calling line identification information from the telephone call with the calling line identification information stored for the customer in the waiting list database (col. 15, lines 13 – 18; once the caller ID and the dialed numbers have been received, they are saved to the hard disk 31, 32, which is construed as calling line identification information stored for the customer. The security program then compares the dialed numbers 33, which provide an encoded version of the serial number of the client computer 10 (coding scheme explained in detail below), against a list of serial numbers stored on the hard disk 4, which is construed as determining by the auto attendant, the identity of the customer by matching line identification information); and

a subsequent telephone call (col. 15, lines 25 – 28; the host 3 answer all calls and the serial number of the client computer 10 is provided in a separate subsequent call from the client computer 10).

From this teaching of Solymar, it would have been obvious to one having ordinary skill in the art at the time the invention was made modify the combination of Dowling and Visconti to include the determining by the auto attendant, the identity of the customer by matching calling line identification information with the calling line identification information stored for the customer and a subsequent call taught by Solymar, in order to enable the customer to conveniently receive service.

6. **Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Dowling (6,845,361) and Visconti (6,876,973) further in view of Examiner's Official Notice.**

As per claim 17, the combination of Dowling and Visconti discloses, wherein the step of obtaining customer information from the customer includes obtaining a desired seating time from the customer, and wherein the method also includes the steps of:

storing the desired seating time (col. 7, line 59; a tenth field 160 includes a reservation field, which is construed as storing the desired seating time);

calculating a time to add the customer's name to the waiting list (col. 7, lines 64 – 67; such a feature would be applicable to restaurants and doctor's offices for example. In systems where fixed reservations are allowed, the virtual queue estimated wait time calculation preferably takes reserved resources into account); and

adding the customer's name to the waiting list at the calculated time (col. 7, lines 59 – 64; this field is optional and is used for customers who have a reservation for a fixed time, which is construed as the desired seating time in which the calculated time was derived. This field allows the virtual-wait queue of the present invention to be used in enterprises that allow customers to make fixed reservations as well as getting in line).

However, the combination of Dowling and Visconti fails to explicitly disclose, subtracting the waiting time at the selected restaurant from the time at which the customer desires to be seated.

Examiner takes official notice that it is old and well known in the art of reservations to put a request on a waitlist at the estimated wait time prior to the time they wish to be seated, for example to add a customer's name to a waitlist at 6:30, if they desire to be seated at 7:00 in the event that the restaurant has a half-hour wait time.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Dowling and Visconti, to include calculating a time to add the customer's name to the waitlist by subtracting the waiting time at the selected restaurant from the time at which the customer desires to be seated, in order to efficiently coordinate the provision of service.

Response to Arguments

7. Applicant's arguments filed April 15, 2008 have been fully considered but they are not persuasive.

Applicant argues in regard to claim 1, "Since Dowling serves only a single restaurant, there is no teaching or suggestion whatsoever of most of the Applicants' claimed limitations. There is no central database, no sharing of data between the central database and local databases at each restaurant, and no ability for the customer to select restaurants and compare the wait at various restaurants before adding his/her name to a selected restaurant's waiting list."

However, in col. 4, lines 4 – 17, Dowling discusses a network server that typically acts as a central server and may manage a plurality of waitlists. It also discusses a plurality of restaurants and doctors offices falling under a certain health services organization. Therefore, the Examiner respectfully disagrees.

Applicant Argues in regard to claim 18, “As noted above, Dowling serves only a single restaurant. Therefore, Dowling does not teach or suggest most of the limitations of claim 18. There is no central database, no network for sharing of data between the central database and local databases at each restaurant, and no ability for the customer to compare the wait at various restaurants before adding his/her name to a selected restaurant's waiting list.”

However, In col. 4, lines 4 – 17, Dowling discusses a network server that typically acts as a central server and may manage a plurality of waitlists. It also discusses a plurality of restaurants and doctors offices falling under a certain health services organization. Therefore, the Examiner respectfully disagrees.

Applicant Argues in regard to claim 25, “Claim 25 recites that the auto attendant determines the customer's calling line identification information (i.e., caller ID). The customer's information is then stored in the waiting list database, indexed with the calling line identification information. Thus, the auto attendant automatically obtains the customer's information from caller ID, and relieves the customer of the burden of having to dial touch-tones or speak words to get added to the waiting list. This feature is not taught or suggested by Dowling or Visconti. "

However, Dowling teaches an automated attendant that determines the call line identification information for the customer in col. 2. The language in the claim does not state that "The auto attendant automatically obtains the customer's information form the caller ID and relieves the customer of the burden of having to dial touch-tones or to speak words to get added to the waitlist." Therefore, the Examiner respectfully disagrees.

Applicant argues, in regard to claim 26, "However, claim 26 depends from claim 25 and adds the feature of automatically providing a customer with an updated wait time by recognizing the customer's caller ID information when the customer calls in after being added to the list."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the feature of automatically providing a customer with an updated wait time by recognizing the customer's caller ID information when the customer calls in after being added to the list.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to Applicant's traversal of the Official Notice for claim 17, references have been provided as evidence of being old and well known in the art.

McManus et al. (2003/0102956) in paragraph [0010] discusses a computer tracking the progress of a patron through a queue line (which can also be a restaurant as disclosed in [0029]) and calculating the time required for the patron to reach the final assembly area, which is construed as being seated.

Murashita et al. (US 20060287898 A1) also gives an example of waiting time calculating in a restaurant in [0029] and [0030] relating to reservation and seating time.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUSEYE IWARERE whose telephone number is (571)270-5112. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew S Gart/
Supervisory Patent Examiner, Art Unit 3687

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